

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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RAMAINE WILLIAMS,

Plaintiff,

-v-

5:23-CV-240

CITY OF AUBURN, NY, *et al.*,

Defendants.  
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APPEARANCES:

OF COUNSEL:

RAMAINE WILLIAMS  
Plaintiff, Pro Se  
13465  
Cayuga County Jail  
7445 County House Road  
Auburn, NY 13021

DAVID N. HURD  
United States District Judge

**ORDER ON REPORT & RECOMMENDATION**

On January 23, 2023, *pro se* plaintiff Romaine Williams (“plaintiff”), who is currently confined at the Cayuga County Jail, filed this 42 U.S.C. § 1983 civil rights action in the U.S. District Court for the Western District of New York alleging constitutional violations arising from his arrest, prosecution, and detention. Dkt. No. 1. Along with his complaint, plaintiff sought leave to proceed *in forma pauperis* (“IFP Application”). Dkt. Nos. 2, 5. Thereafter,

the action was transferred to this judicial district after U.S. District Judge John L. Sinatra, Jr., sitting in the Western District of New York, concluded that plaintiff had mislaid venue there. Dkt. Nos. 6, 7.

On April 17, 2023, U.S. Magistrate Judge Thérèse Wiley Dancks conducted an initial review of the complaint, granted the IFP Application for the purpose of filing, and advised by Report & Recommendation (“R&R”) that plaintiff’s complaint be dismissed without leave to amend. Dkt. No. 8. As Judge Dancks explained, plaintiff’s complaint advances § 1983 claims that are all barred by the Supreme Court’s decision in *Heck v. Humphrey*, 512 U.S. 477 (1994), because his claims would necessarily imply the invalidity of his underlying conviction in state court. *Id.*

Plaintiff has not filed objections. Dkt. No. 8. The time period in which to do so has expired. *See id.* Upon review for clear error, the R&R is accepted and will be adopted in all respects. *See* FED. R. CIV. P. 72(b).

Therefore, it is

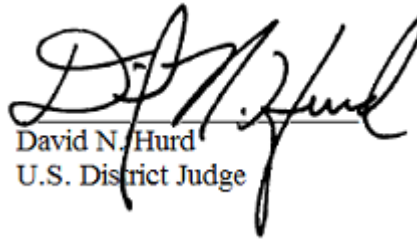
ORDERED that

1. The Report & Recommendation is ACCEPTED; and
2. Plaintiff’s complaint is DISMISSED without leave to replead.

The Clerk of the Court is directed to close the file.

IT IS SO ORDERED.

Dated: May 10, 2023  
Utica, New York.



David N. Hurd  
U.S. District Judge